

**To:** Kemmerer, John[KEMMERER.JOHN@EPA.GOV]  
**Cc:** Johnson, Kathleen[Johnson.Kathleen@epa.gov]  
**From:** Nemeth, Karla@CNRA  
**Sent:** Thur 9/17/2015 4:27:17 PM  
**Subject:** RE: 404(q) Aquatic Resources of National Importance Letters for the Delta

Thanks John – all this is very helpful!

**From:** Kemmerer, John [mailto:KEMMERER.JOHN@EPA.GOV]  
**Sent:** Wednesday, September 02, 2015 4:54 PM  
**To:** Nemeth, Karla@CNRA  
**Cc:** Johnson, Kathleen  
**Subject:** 404(q) Aquatic Resources of National Importance Letters for the Delta

Hello Karla – I appreciated the opportunity to speak to you this morning about EPA’s Aquatic Resources of National Importance (ARNI) letters. As I noted, there has been precedent for EPA to issue ARNI letters in response to U.S. Army Corps of Engineers (USACE) Public Notices for projects involving discharges to the Sacramento-San Joaquin Delta. You asked if we could share examples of these ARNI letters. I’m attaching letters that have been sent over the past eleven years for four projects in the Delta. The approach we’re planning to take with our ARNI letter for the California Water Fix project is different than has been taken for these four projects. As discussed, we anticipate sending the USACE one relatively short letter indicating that the Water Fix will affect ARNI.

You asked about public notice regarding our ARNI letters. This correspondence between EPA and the USACE is subject to release pursuant to the Freedom of Information Act, and it is not uncommon for us to receive requests for these letters. We do not post these letters on EPA’s website. Although the USACE’s website lists public notices it has released, it is our understanding that the USACE does not routinely post EPA’s ARNI letters with these public notices.

Please feel free to contact me if you’d like to discuss this in more detail.

- John

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